

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

FILED

MAR 07 2024

CLERK, U.S. DISTRICT COURT  
TEXAS EASTERN

DANIEL D. DILLARD,

§

Plaintiff,

§

v.

§ Civil Action No. 6:24-cv-23-JKL

~~LORIE~~

§

OLUYEMI AKINODE, et al.,

§

defendants.

§

PLAINTIFF'S MOTION FOR LEAVE TO FILE AN  
AMENDED COMPLAINT

Plaintiff Daniel D. Dillard, pursuant to Fed. R. Civ. P. 15 (a) and this Court's January 30<sup>th</sup>, 2024 Deficiency Order (ECF No. 6), respectfully request leave to file an amended complaint in order to comply with the ruling of Senior District Judge B. M. G. Lynns of the Northern District of Texas (Civil Action Nos. 7:19-cv-00081-M and 7:24-cv-10-M).

1. The Plaintiff in his Verified Amended Complaint

(ECF No. 86 - Incorporated By Reference - 7:19-cv-81-M-BP) named Bobby Lumpkin as a defendant.

2. Since the final disposition of the Motion For Temporary Restraining Order (ECF No. 297 and 298 - 7:19-cv-81-M) the Plaintiff has determined that he does NOT wish to open a NEW suit, neither add new defendants or claims at this time because the issues presented in (ECF Nos. 2, 3, and 4) Plaintiff's Motion For TRO are being presented in an current suit - Civil Action No. 7:19-cv-81-M - Case No. 22-10791, but have not been actually decided.

3. Plaintiff's Motion For TRO and the active civil action (ECF No. 86 - Civil Action No. 7:19-cv-81-M) and Appeal (Case No. 22-10791) are all 'inextricably intertwined'.

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### PLAINTIFF'S MOTION TO TRANSFER VENUE

Pursuant to 28 U.S.C. § 1404, Plaintiff respectfully request that this action be TRANSFERRED to the

United States District Court for the Northern District of Texas, Wichita Falls Division, for further proceedings.

§1404 is to prevent waste of time, energy, and money, and to protect litigants, witnesses, and the public against unnecessary inconvenience and expense. Van Dusen v. Barrack, 376 U.S. 612, 616 (1964).

Plaintiff asserts that he has No resources and can NOT afford to litigate this new action, especially since he Never intended to file a new complaint. Plaintiff also asserts that he is indigent and proceeding pro se... additional litigations would only compound his layman status, and would unnecessarily inconvenience the public.

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### PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL

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In The Alternative, Plaintiff respectfully request this Court dismiss this action WITHOUT PREJUDICE

March 3, 2024

Respectfully submitted,

X Daniel D. Dillard

Daniel D. Dillard #01400285

Mark W. Michael Prison

2664 F.M. 2054

Tennessee Colony, Texas 75886